THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4140 OF 2007

DATED 02nd MARCH, 2007

Between

A.Seetha Rami Reddy and another

... Petitioner

AND

The Deputy Commissioner, Endowments Department, Kothapet, Guntur, Guntur District and others.

.... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4140 OF 2007

ORDER:

The two petitioners are residents of Hyderabad. They filed the present writ petition seeking a writ of Mandamus directing the second respondent, namely, Assistant Commissioner of Endowments, Nellore, to issue final orders removing/dismissing the fourth respondent as Member of founder's family and also initiate criminal proceedings against fourth respondent.

The substance of the case, which prompted the petitioners to file the writ petition, as disclosed in the affidavit accompanying the writ petition is as follows. Sri Seetaramachandraswamy Temple, Peda Abbipuram of A.S.Peta Mandal in Nellore District is a registered religious institution classified under Section 6(c) of the A.P.Charitable and Hindu Religious Institutions and Endowments Act, 1987 (the Act, for brevity). The fourth respondent was recognized as Member of the founder's family by reason of the proceedings of the second respondent, dated 09.09.1959. Enquiry was initiated against fourth respondent on certain allegations inter alia malfeasance, breach of trust etc. Charges were framed on 26.06.2006 and he was placed under suspension under Section 28 of the Act duly appointing the third respondent as a fit person to discharge the duties. Against the orders of suspension-cum-charge sheet, the fourth respondent preferred

Appeal before the Regional Joint Commissioner, Tirupathi (not a party to this writ petition). The appellate authority set aside the proceedings of the second respondent, dated 26.06.2006 insofar as the suspension *pendente lite* is concerned and further directed that the fit person shall be under the control of the fourth respondent. The enquiry was directed to be completed as per law. Though the order of the appellate authority is not specifically challenged, the petitioners allege that the same is *ex facie* illegal and unsustainable. Be that as it is, the petitioners also allege that way back in May, 2000, fourth respondent handed over the temple to Swamiji of Sri Sideswaripeetam, Kurthalam, in Tamil Nadu and that fourth respondent has no such power to hand over the temple to said Peetam. The petitioners also contend that fourth respondent cannot have any control over the temple. Claiming that they are ardent devotees to the temple and interested in the upkeep and public management of it, they filed the instant writ petition.

This Court has heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Endowments.

Learned counsel for the petitioners submits that the petitioners are devotees of Sri Seetaramachandraswamy Temple, Pedda Abbipuram, and therefore, they are entitled to maintain the writ petition. Secondly, he would urge that the fourth respondent herein filed W.P.No.11282 of 2006, in which the Commissioner of Endowments has filed a detailed counter pointing out several irregularities committed by fourth respondent and therefore, fourth respondent cannot continue as a Trustee of the temple. The learned counsel would urge that the second respondent is unnecessarily postponing the enquiry, in spite of the directions issued by the Regional Joint Commissioner to complete the enquiry. These allegations are refuted by the learned Assistant Government Pleader.

In para 2 of the writ affidavit, the petitioners averred that they are filing the writ petition for implementation of the orders of the first respondent, dated 10.01.2007 wherein allegedly the first respondent set aside the order of the second respondent, dated 26.06.2006, by which the fourth respondent was suspended. Again in para 5 of the writ affidavit, the petitioners state that the Regional Joint Commissioner directed the Assistant Commissioner to complete the enquiry while setting aside the order of suspension and directing that the third respondent should work under the control of the fourth respondent. Though this is pointed out by this Court, learned counsel for the petitioners did not give any satisfactory reply. Secondly, the petitioners are residents of Hyderabad and they are businessmen. They have not made out a satisfactory case as to how they come within the category of ‘persons interested’ as defined in Section 2(18)

of the Act to agitate about the affairs of the temple situated at a distance of about 400 kilo meters from Hyderabad. Therefore, this Court holds that the writ petition is not *bona fide.* Thirdly, even according to them, it is only on 10.01.2007, the Regional Joint Commissioner set aside the order of the Assistant Commissioner suspending the fourth respondent. It would certainly take some time for the second respondent to issue notice, call for explanation, conduct a detailed enquiry and then take action with regard to the allegations made against the fourth respondent. Lastly, though the petitioners refer to W.P.No.11282 of 2006 filed by the fourth respondent before this Court, except alleging that the Commissioner of Endowments admitted about the irregularities committed by the fourth respondent, no details of the writ petition are furnished. The grievance of the petitioners appears to be vague and not sound. Such a writ petition cannot be entertained.

The writ petition is accordingly dismissed. No costs.

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(V.V.S.RAO,J)

02.03.2007.
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